STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.:	
Issue No.:	
Case No.:	
Hearing Date:	
County:	

2013-58009 3003

August 14, 2013 Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on August 14, 2013 fr om Lansing, Michigan. Participant s on behalf of Claimant included and Participants on behalf of Department of Human Services (Department) included

ISSUE

Did the Department properly determine the Claimant's Food Assistance Program (FAP) allotment beginning July 12, 2013?

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. As of July 12, 2013, the Claimant was receiving FAP benefits.
- 2. On July 12, 2013, the Cla imant requested a hearing to di spute the amount of his FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FAP [formerly known as the Food Stamp (F S) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in T itle 7 of t he Code of Federal Regulations (CF R). The Department

(formerly known as the Fa mily Independence Agenc y) admin isters FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The Claimant request ed a hearing regarding the amount of his FAP allot ment. There was no evidence presented by the Claimant of any other hear ing request. Therefore, the issue to be addressed is the issue that was raised in the request filed on July 12, 2013. That issue is the amount of FAP benefits the Claimant was receiving.

For FAP purposes, all earned and unearned inco me available to Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Inde pendence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemploy ment Compensation Benefits (UCB), Adu It Medical Program (AMP), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

After reviewing the record, I find the main contention is the decrease in the monthly rental obligation the Department was us ing in d etermining the Claimant's FAP benefit amount. The rental obligation was reduced from **\$100** to **\$100**

After an extensive review of the Claimant's budget I have determined all c alculations were properly made at review, and all F AP issuance/budgeting rules were properly applied.

Accordingly, I find evidence to affirm the Department's FAP allotment determination.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law that the Department did act properly.

Accordingly, the Department's FAP decision is AFFIRMED.

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Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: <u>August 15, 2013</u> Date Mailed: <u>August 15, 2013</u> **NOTICE OF APPE AL:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final dec ision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

The claimant may appeal the De cision and Order to Circuit Court within 30 days of the receipt of the Dec ision a nd Order or, if a tim ely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the or iginal hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the clai mant must specify all reas ons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings Reconsideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

